

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HOSPITALITY ASSOCIATES OF)
LANCASTER, L.P.,) Civil Action
) No. 07-cv-03955
 Plaintiff)
)
 vs.)
)
 LANCASTER LAND)
 DEVELOPMENT, L.P.,)
)
 Defendant)
)
 and)
)
 FCD-DEVELOPMENT, LLC,)
)
 Intervenor-)
 Defendant)

O R D E R

NOW, this 30th day of September, 2008, upon
consideration of the following pleadings:

- (1) Hospitality Associates of Lancaster, L.P.'s Motion to Dismiss Lancaster Land Development, L.P.'s Claim of Interference with a Contractual Relation, which motion was filed October 22, 2007, together with
 - (A) Hospital Associates of Lancaster, L.P.'s Memorandum of Law in Support of Motion to Dismiss Lancaster Land Development, L.P.'s Claim of Interference with a Contractual Relation, which memorandum was filed October 22, 2007;
 - (B) Memorandum of Law of Defendant/Counterclaimant Lancaster Land Development, L.P in Opposition to the Motion to Dismiss of Plaintiff Hospitality Associates of Lancaster, L.P., which memorandum in opposition was filed November 8, 2007;

- (2) Hospitality Associates of Lancaster, L.P.'s Motion to Dismiss FCD-Development, LLC's Claim of Interference with a Contractual Relation, which motion was filed November 29, 2007, together with
 - (A) Hospitality Associates of Lancaster, L.P.'s Memorandum of Law in Support of Motion to Dismiss Lancaster Land Development, L.P.'s Claim of Interference with a Contractual Relation, which memorandum was filed October 22, 2007, and which memorandum is incorporated by plaintiff by reference in support of this motion¹; and
 - (B) Memorandum of Law of Intervenor-Defendant FCD-Development, LLC in Opposition to the Motion to Dismiss of Plaintiff Hospitality Associates of Lancaster, L.P., which memorandum in opposition was filed December 11, 2007;

and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that Hospitality Associates of Lancaster, L.P.'s Motion to Dismiss Lancaster Land Development, L.P.'s Claim of Interference with a Contractual Relation is denied.

¹ In plaintiff's motion (2), plaintiff Hospitality Associates of Lancaster L.P. stated,

The infirmities of this claim are identical to those identified in the Memorandum of Law filed October 22, [2007] with respect to Count II of Defendant Lancaster Land Development, L.P.'s counterclaims. That Motion has been fully briefed and is now ripe. Said Memorandum is hereby incorporated [by] reference in support of this Motion as well.

IT IS FURTHER ORDERED that Hospitality Associates of Lancaster, L.P.'s Motion to Dismiss FCD-Development, LLC's Claim of Interference with a Contractual Relation is denied.

BY THE COURT:

/s/ James Knoll Gardner

James Knoll Gardner
United States District Judge